

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: DEBE, MARK K.

Application No.: 10/014268

Confirmation No.: 5103

Filed: October 22, 2001

Title: STORAGE AND DELIVERY OF GASES IN PRESSURIZED MICROBUBBLES

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-273-8309.

April 4, 2007

Date

Signed by: Phyllis Boettcher

Dear Sir:

This is in response to the Office Action dated March 13, 2007. Claims 1 - 33 are pending. Claims 1 - 33 were restricted under 35 USC § 121 as follows:

I. Claims 1 - 23 are said to be drawn to an article comprising at least one containment means, classified in Class 428, subclass 305.5;

II. Claims 24 - 30 are said to be drawn to a method of delivering gas, classified in Class 261, subclass 128;

III. Claims 31 - 33 are said to be drawn to an apparatus, including a fuel cell, classified in Class 429, subclass 17.

Election

In response, Applicants elect Group III with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the claims of Groups I, II and III are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of the claims of

Groups I, II and III in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims of Groups I, II and III, a separate examination of the claims of Groups I, II and III would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I, II and III would have to be as rigorous as when only the claims of Group III were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims of Groups I, II and III, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group III. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted.

By: 

Philip Y. Dahl, Reg. No.: 36,115
Telephone No.: 651-737-4029

April 4, 2007
Date

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833